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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,791	06/21/2001	David Gray Boyer	Boyer 4-2-2-1-2-6-11-11	6160
46304	7590	03/08/2006	EXAMINER MEKY, MOUSTAFA M	
RYAN, MASON & LEWIS, LLP 90 FOREST AVENUE LOCUST VALLEY, NY 11560			ART UNIT 2157	PAPER NUMBER

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/886,791	BOYER ET AL.	
	Examiner	Art Unit	
	Moustafa M. Meky	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12,14-19 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-10, 12, 14-19, 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The amendment filed 9/6/2005 has been entered and considered by the examiner.
2. Claims 1, 3-10, 12, 14-19, and 21-28 are presenting for examination.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-10, 12, 14-19, 21-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Stimmel (US Pat. No. 6,678,719).
5. As to claim 1, Stimmel shows in Figs 1-3, a method for use in a collaborative system 10 (see col 5, lines 3-5) comprising the steps of:
 - setting up a plurality of participants (Mark, John, Tony, Mary,...) in a group to collaboratively communicate, see Fig 2, see col 3, lines 10-18;
 - automatically collecting presence information (participant's status information) of each of the participants in the group in which the presence information being determined by the system 10 through system monitored communicative actions associated with each participant (the system would automatically

determine the presence information through the actions of assigning each participant his status, see Fig 2, col 1, line 61, col 3, lines 32-40, lines 53-58;

- dynamically displaying a visual representation having a plurality of windows including the participants, the collected presence information (see Fig 2 having participants Mark, John,..., and their presence information which is the status information), see col 3, lines 28-43, and a set of communication mechanisms (such as email, telephone, facsimile, instant chat, video conferencing) for a participant (John) to use in conjunction with the displayed presence information (John's status) to initiate a prescribed mode of communication (synchronous mode and/or asynchronous mode) with one or more other participants in the group for a particular collaborative purpose, see Figs 3A, col 4, lines 5-24, and;
- employing the displayed presence information with at least one communication mechanism to initiate communication with other participant, see col 3, lines 59-65;
- wherein at least one of the mechanisms including setting up one or more third party calls to initiate with one or more of others participants in the group (notice the use of telephone to perform voice call), see col 4, line 8-13, lines 25-32.

6. As to claim 3, the mode of communicating includes at least either asynchronous mode or a synchronous mode, see col 3, lines 14, lines 14-18, lines 62-65, col 4, lines 11-32.

7. As to claim 4, automatically updating one or more of the windows, see Figs 3A-3D (notice the windows were updated and changed to reflect the John's status such as Do not Disturb, Away from desk, Out Of The Office), see col 4, lines 38-60.

8. As to claim 5, automatically updating presence information (notice the status information were updated to Do not Disturb, Away from desk, Out Of The Office), see Figs 3A-3D, col 4, lines 38-60.

9. As to claim 6, the presence information represents prescribed activities of participant such as don not disturb (action) and away from desk (action), see col 4, lines 38-60.

10. As to claim 7, the set of mechanisms include at least email, chat, and voice call, see col 3, lines 14-18, lines 63-65, col 4, lines 12-14, col 5, lines 3-5.

11. As to claim 8, maintaining the collected and updated presence information (status information) and notifying the participants, see Figs 3A-3D, col 4, lines 38-60.

12. As to claim 9, inherently displaying documents and URL (in the case of using video conferencing), see col 2, lines 66-67, col 3, lines 1-5, lines 10-12, col 5, lines 3-5.

13. As to claim 10, the communication includes initiating a persistent chat session, and the step of employing the displayed presence information includes initiating a persistent chat session, see col 3, lines 59-65, col 5, lines 3-5.

14. As to claims 12, 14-19, 21-28, the claims are similar in scope and they are rejected under the same rationale.

Therefore, it can be seen from paragraphs 5-14 that Stimmel anticipates claims 1, 3-10, 12, 14-19, 21-28.

15. The applicant argues in his remarks that Stimmel fails to disclose the automatic collection of presence information for each participant in the group, wherein the presence information is determined by the collaborative system through system monitored communicative actions associated with each participant. Also, Stimmel fails to disclose a mechanism that enables third party to setup a call.

15.1. In response to the above arguments, Stimmel teaches the automatic collection of presence information for each participant in the group, wherein the presence information is determined by the collaborative system through system monitored communicative actions associated with each participant (the system would automatically determine the presence information through the actions of assigning each participant his own status i.e each participant would assign (action) his own status and the system 10 would automatically reflect these communicative actions into the windows of the participants desktops), see col 3, lines 53-58. Also, Stimmel teaches setting up one or more third party calls to initiate with one or more of others participants in the group (notice the use of telephone to perform voice call), see col 4, line 8-13, lines 25-32.

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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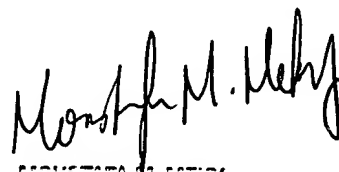
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M. Meky whose telephone number is 571-272-4005. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MMM
3/3/2006


MOUSTAFA M. MEKY
PATENT EXAMINER